

BILL NO. 6 OF 2014

A LOCAL LAW to amend Kensington Code Chapter 141 entitled "Trees."

BE IT ENACTED by the Kensington Board of Trustees as follows:

Section One. Kensington Code §141-8 entitled "Penalties for Offenses" is amended to read as follows:

Any person who violates the provisions of this article shall be guilty of an offense and shall be subject to a fine not to exceed one thousand (\$1,000) dollars for each tree the habit of which is removed, destroyed or substantially altered in violation of this article. In addition, this article may be enforced by civil action, including an injunction, and any owner of real property who has violated or permitted a violation of this article may be directed by the Village official to replace with new trees (3-1/2" to 4" in diameter) any trees removed, destroyed or substantially altered in violation of this article, and where such direction has been made, no building permit or certificate of occupancy shall be issued for structures on said real property until such replacement has been completed.

Section Two. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the courts order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Three. This local law shall take effect immediately upon filing with the Secretary of state.